

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COLUMBIA PICTURES INDUSTRIES, INC., et al.

Plaintiffs,

v.

7:06-CV-0229

CINDY CHILDERS,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

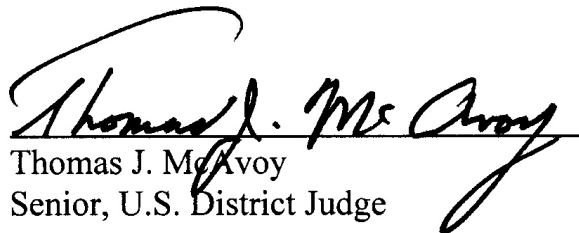
Plaintiffs commenced the instant copyright infringement action in February 2006. Process was served on Defendant on April 21, 2006. On June 21, 2006, the Clerk entered a default against Defendant. Plaintiffs then moved for default judgment. The Court proposed to allow the default judgment, subject to affording Defendant an opportunity to be heard on the issue of damages. Defendant responded that she did not receive actual notice of this litigation and, therefore, requests an opportunity to defend herself on the merits of this case.

In light of Defendant's contention that she had moved and her mail was not forwarded to her and, therefore, she did not receive actual notice of this litigation and because it further appears that Defendant intends to defend herself on the merits and may have a justifiable defense (that she did not personally violate any copyright laws but that her ex-boyfriend did), the Court VACATES the Clerk's entry of default and DENIES Plaintiffs' motion for default judgment.

Defendant shall file an Answer to Plaintiff's Complaint within FOURTEEN days of the date of this Order. In light of the fact that Defendant intends to proceed pro se, Defendant is advised to review: (1) the Court's local rules (which can be found on the Court's website at www.nynd.uscourts.gov/localrul.htm); (2) the Federal Rules of Civil Procedure (which can be found on the Court's website at www.nynd.uscourts.gov/federalrul.htm); and (3) the information on the Court's website concerning how to represent yourself in federal court (which can be found on the Court's website at www.nynd.uscourts.gov/prose.cfm). Defendant's failure to timely submit an Answer in response to Plaintiff's Complaint may result in another entry of a default judgment.

IT IS SO ORDERED.

Dated: November 9, 2006


Thomas J. McAvoy
Senior, U.S. District Judge